



Policy title	Prevention of Maltreatment Policy and Procedures
Approval authority	Board of Directors
Adopted	February 17, 2021
This Policy has been prepared by OAS and is applicable to OAS and its Affiliated Organizations.	

## Definitions

1. The following terms have these meanings in this Policy and Procedures:
  - a. Activity – All business and activities of the Organization;
  - b. Affiliated Organization – Any recreational or competitive club or league that delivers artistic swimming programs and has fulfilled the requirements of registration as required by OAS and has paid any associated registration fees to OAS;
  - c. CAC – Coaching Association of Canada;
  - d. CAS – Canada Artistic Swimming;
  - e. Complainant – The Party reporting possible misconduct, or making a complaint;
  - f. Harassment, bullying, and violence – Prohibited behaviour and conduct as described in the CAS Conduct Policy;
  - g. Including – Including but not limited to;
  - h. Individuals – Any organization or individual that has fulfilled the requirements of registration as required by OAS as well as all individuals engaged in Activity with OAS or its Members or Affiliated Organizations;
  - i. Maltreatment – Prohibited behaviour and conduct as described in the UCCMS;
  - j. Member – Any recreational or competitive club or league registered with OAS;
  - k. Minor – An individual who is under 18 years old;
  - l. Organization – The organization to which this Policy and Procedures applies and includes OAS and its Members and Affiliated Organizations;
  - m. Party or Parties – The Complainant, Respondent, and any other Individuals or persons affected by the complaint;
  - n. Respondent – The Party or Parties responding to the Complaint;
  - o. Safe Sport Officer – An individual or individuals appointed by OAS to serve as an independent third party to receive and review Complaints under this Policy and Procedures; and

- p. UCCMS – The Universal Code of Conduct to Prevent and Address Maltreatment in Sport.

## References

2. This Policy and Procedures will be read in conjunction with the CAS Conduct Policy, CAS Discipline and Complaints Policy, and CAS Appeal Policy, as amended from time to time. In the event of a conflict between this Policy and Procedures and the CAS Conduct Policy, CAS Discipline and Complaints Policy, and CAS Appeal Policy, the CAS policies shall prevail.

## Purpose

3. To define behaviour that constitutes maltreatment, provide the procedures for Individuals to report incidents of maltreatment, and explain the procedures that OAS will follow in responding to reports of maltreatment that fall within its jurisdiction to administer thereby promoting a safe environment for all involved in the sport of artistic swimming.

## Application

4. This Policy and Procedures applies to all Individuals as defined in this Policy.

## Organizational Commitment

5. OAS, OAS Members and Affiliated Organizations endorse the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ([UCCMS](#)), as it may be amended from time to time.
6. OAS, its Members, and Affiliated Organizations encourage the reporting of all incidents of maltreatment including harassment, bullying, and violence regardless of who the offender may be.
7. Individuals will cooperate with any investigation of concerns of alleged maltreatment by providing honest, accurate, complete, and timely information.
8. OAS, its Members, and Affiliated Organizations are committed to providing a safe work and sport environment to all Individuals, which includes providing access to an independent third-party Safe Sport Officer whose role is to guide Individuals through the complaint process or explore other options. Complaints may be shared by the Safe Sport Officer with other designated third-party case managers who form part of the Safe Sport triage team, which includes female investigators and provides support services in both official languages

## Commitment to Non-retaliation

9. Individuals are expected to raise any concerns about behaviour, to report any maltreatment, and to work together to ensure a positive, safe, and respectful work and sport environment. There will be no retaliation for speaking up and making a truthful report of actual or possible maltreatment, for participating in an investigation, or for exercising one's legal rights.

## Obligation to Report

10. It is a violation of this Policy and Procedures and the CAS Conduct Policy if an individual knows of maltreatment but takes no action to intervene on behalf of the athlete, coach, employee, volunteer, or other Individual. Failure to report such maltreatment may result in disciplinary action.

## Maltreatment Including Harassment, Bullying, and Violence

11. OAS has adopted the definition of maltreatment as described in the [UCCMS](#), and the definitions of harassment, bullying, and violence as described in the CAS Conduct Policy.
12. Harassment can be expressed in four (4) forms, which may occur in combination or in isolation. These include: i) personal harassment; ii) bullying; iii) hazing; and iv) sexual harassment.

**Personal harassment** is wrongful conduct directed toward an individual that the perpetrator knew, or ought reasonably to have known, would be unwelcome. Examples of personal harassment include:

- a. Belittling jokes, insults, name-calling, inappropriate teasing, taunting, or condescension that undermines self-esteem, diminishes performance or creates a hostile sport or work environment;
- b. Written or verbal abuse, threats, or outbursts;
- c. Practical jokes that cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
- d. Ignoring or isolating someone for extended periods of time, including routinely or arbitrarily excluding them from practice; and
- e. The display or distribution of visual or audio material that is offensive, or that one ought to know is offensive in the circumstances.

**Bullying** is unwanted verbal, physical, or social behaviour directed to harming, intimidating, humiliating, or controlling inappropriately another person. Bullying usually involves repeated incidents or a pattern of behaviour and a real or perceived power imbalance. Examples of bullying include:

- a. Name-calling, inappropriate teasing, or spreading rumours, gossip, or innuendo;

- b. Excluding or isolating someone socially, or embarrassing someone in public;
- c. Intimidating a person or physically abusing or threatening abuse;
- d. Withholding necessary information or purposefully giving the wrong information;
- e. Damaging, destroying or stealing personal belongings; and
- f. Using electronic media, such as the internet, social networks or text messaging to intimidate, put-down, spread rumours, or make fun of someone.

**Hazing** is any form of conduct that exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability.

**Sexual Harassment** is engaging in comments or behaviour of a sexual nature such as unwelcome sexual invitations or requests, unwanted physical contact such as touching or kissing, or innuendo or taunting about a person's body type, physical appearance or sexual orientation, gender identity or gender expression. Sexual harassment is also making sexual invitations or requests where the person making the invitation or request is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the invitation or request is unwelcome.

13. **Violence** is any actual, attempted or threatened conduct of a person that causes or is likely to cause physical or psychological harm, injury or illness or that gives a person reason to believe that they or another person is at risk of physical or psychological harm, injury or illness.
14. The categories of maltreatment, harassment, bullying, and violence are not mutually exclusive, nor are the examples provided in each category above an exhaustive list. What matters for the assessment of misconduct under this Policy and Procedures is whether the conduct falls into one or more of these categories, not into which category it falls. Personal harassment, bullying, hazing, sexual harassment, and violence can be experienced in more than one category of maltreatment as described in the UCCMS.

## **Maltreatment Involving Minors**

15. All Individuals have a legal duty to report any suspicions that a Minor is or may be in need of protection to a local [children's aid society](#). This includes a Minor who is or may be suffering from maltreatment including physical, sexual, and emotional abuse, neglect, and risk of harm. The duty to report in Ontario applies to any child who is under the age of 16 years. Individuals who are concerned that a 16- or 17-year-old is or may be in need of protection may, but are not required to, make a report to a children's aid society. Information about all Ontario

societies is available at [www.oacas.org](http://www.oacas.org) or, where available, by dialing 4-1-1. Additional support and resources are available to Individuals through the [Canadian Sport Helpline](#) and the OAS Safe Sport Officer at [safesport\\_wvdrs@primus.ca](mailto:safesport_wvdrs@primus.ca).

16. Individuals must advise the OAS Safe Sport Officer of all reports of child maltreatment involving individuals engaged in Activity with OAS or its Members or Affiliated Organizations.
17. Where a report of child maltreatment is first made to OAS or one of its Members or Affiliated Organizations, the Organization shall direct the person reporting to make the report to the local children's aid society. However, the Organization may not rely on this person to report. Once the Organization is made aware of suspected child maltreatment, the Organization must also make a report to the local children's aid society.
18. Where a child seeks to report maltreatment affecting themselves or another child, the Organization shall encourage the child to report to a trusted person in authority, [The Kids Help Phone](#), the local [children's aid society](#), or police at 9-1-1.

## **Preventing Maltreatment**

19. OAS, OAS Members and Affiliated Organizations have committed to implementing policies and processes aimed at preventing maltreatment. These measures include screening, education, coach certification requirements, and practice.
20. Individuals engaged in Activity with OAS or its Members or Affiliated Organizations will be screened according to the CAS Screening Policy, which includes:
  - a. Providing an Enhanced Police Information Check (E-PIC) and completing a re-check every five (5) years;
  - b. Submitting a Screening Disclosure Form and confirming the accuracy of this information annually as part of the registration process;
  - c. Conducting a reference check when hiring employees, contractors, or coaches over the age of 18; and
  - d. Other screening procedures as prescribed by the Organization.
21. An Individual's refusal to participate in the screening process or pass the screening requirements as determined by a Screening Committee will result in the Individual's ineligibility for the position sought.
22. Individuals engaged in Activity with OAS or its Members or Affiliated Organizations will complete the Respect in Sport Activity Leader Training according to the CAS Conduct Policy.
23. Coaches must meet minimum certification requirements according to the CAS Coach Registration and Certification Policy, which include:
  - a. Annual acknowledgement of the CAS Conduct Policy;

- b. Successful completion of the CAC Make Ethical Decisions Training and online evaluation;
  - c. Completion of the Respect in Sport Activity Leader Training with recertification in this training every three (3) years; and
  - d. Other education and certification requirements as prescribed by the Organization.
24. OAS has taken the Responsible Coaching Movement pledge and is committed to implementing policies and practices that adhere to the Responsible Coaching Movement including the Rule of Two to ensure all interactions and communications are open, observable, and justifiable.
25. Individuals engaged in Activity with OAS or its Members or Affiliated Organizations will:
  - a. Ensure all online dialogue and interactions with minors observe guidance on one-on-one interactions:
    - One-on-one texting, emailing, or online contact between an unrelated adult and minor or other vulnerable athlete is prohibited
    - Any texting, emailing, or online contact should be limited to group text or email that includes at least two (2) adults
    - Any texting, emailing, or online contact should be for artistic swimming-related purposes only
    - Parents of minors or other vulnerable athletes should be provided with the opportunity to receive all texts and emails.
  - b. Ensure all virtual activity with minors observes guidance on one-on-one interactions:
    - Virtual sessions must be observable and interruptible by another adult such as another coach or parent
    - Webcams should be used in a common area or a room with the door open and Individuals should wear appropriate clothing.
  - c. Ensure all travel with minors observes guidance on one-on-one interactions:
    - An unrelated adult may not be alone in a car with a minor or other vulnerable person
    - An unrelated adult may not share or be alone in a hotel or dorm room with a minor or other vulnerable person.

## **Reporting a Complaint**

### **Procedure and Time Limits**

26. Any Individual who believes they have been subject to maltreatment or who witnesses any maltreatment is encouraged to contact the OAS Safe Sport Officer at [safesport\\_wwdrs@primus.ca](mailto:safesport_wwdrs@primus.ca) for support or to initiate a complaint. This person is an independent third party who can guide an Individual through the complaint process or explore other options for resolution. Contact with the Safe Sport Officer is confidential, subject to certain legal limits that will be explained by the Safe Sport Officer.

27. Barring exceptional circumstances, complaints must be submitted in writing within fourteen (14) days of the alleged incident using the Report Form, as provided in Appendix I.
28. Any complaints submitted after the expiry of the fourteen (14) day period must be accompanied by an explanation or reasons as to why an exemption should be made to the strict application of the time limit. Generally speaking, only serious misconduct will be considered after the limitation period has lapsed, considering any power imbalances between the complainant and the respondent, the length of time that has lapsed, and whether there is any prejudice caused by the delay.

### **Anonymous Reporting**

29. Individuals seeking to make an anonymous report may contact the [Canadian Sport Helpline](#) or the OAS Safe Sport Officer at [safesport\\_wwdrs@primus.ca](mailto:safesport_wwdrs@primus.ca).

### **Organization as Complainant**

30. The Organization may act as the Complainant and initiate a complaint under the terms of this Policy and Procedures. In such cases, the Organization will identify an individual to serve as the contact person for the Organization.

### **Resolution Procedures**

31. The OAS Safe Sport Officer will manage all complaints relating to alleged maltreatment, including bullying, harassment, and violence, and will assume the responsibilities described in the CAS Discipline and Complaints Policy.
32. The Safe Sport Officer will serve a triage function, determining whether the complaint should be directed to the police or child protection services, to an independent case manager, or to another Organization if the complaint is determined to be not relevant to maltreatment.
33. If the Safe Sport Officer determines the complaint does not contain sufficient information or evidence, is frivolous or vexatious, or is outside the jurisdiction of the policies and rules of the Organization, the matter will be dismissed immediately, and the Safe Sport Officer will advise the Complainant and Organization of the decision.
34. The Safe Sport Officer's decision to accept the complaint, redirect, or dismiss the matter is final and may not be appealed.

### **Interim Measures**

35. This Policy and Procedures allows for interim measures to be applied at any time pending completion of the complaint process as described in the CAS Discipline and Complaints Policy.

## Decision and Sanctions

36. At the conclusion of the complaint resolution process, the decision and any sanctions will be managed as described in the CAS Discipline and Complaints Policy.

Appendix I



## COMPLAINT FORM

Please note the following:

- Substantiated allegations will be considered for sanctions ranging in severity.
- Complete confidentiality of the complaint process cannot be guaranteed. The contents of this document may be shared in an effort to resolve this complaint. By completing the Complaint Form, you agree that the OAS Safe Sport Officer may share some or all of this information in the process of resolving the complaint.

1. Person making the complaint (please check one):

- Athlete
- Parent
- Coach
- Official
- Employee
- Volunteer
- Witness to Incident
- Other

First Name

Last Name

2. Preferred contact method:  
cannot follow up.

Please note that unless you provide a contact method, we

\_\_\_\_\_  
Email

\_\_\_\_\_  
Phone

If phone, may a message be left?  Yes  No

3. Person on whose behalf the complaint is made (to be completed if different from above):

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date of Birth (day/ month/ year)

Your relationship to the person on whose behalf the complaint is made?

\_\_\_\_\_  
Relationship (e.g., parent or guardian, coach)

4. Name of person(s) against whom you are complaining:

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Last Name

Contact information where available:

\_\_\_\_\_  
Email

\_\_\_\_\_  
Phone

5. Possible witness information:

\_\_\_\_\_  
Witness Name(s)

Contact information where available:

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Email

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Phone

6. Where did the incident(s) occur?

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Location(s)

7. When did the incident(s) occur?

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Date(s)

8. What happened?

- I was harassed
- I was bullied
- I was neglected
- I was sexually harassed
- I am a victim of violence
- Other

9. Why do you think this happened?

- My race
- My national or ethnic origin
- My skin colour
- My sex
- My sexual orientation
- My gender identity or expression
- My religion
- My disability
- My age
- My marital or family status

- My body type
- My athletic ability
- Another personal characteristic
- Not applicable

## 10. Particulars

Provide a summary of the incident(s) you are complaining about. This should be no longer than two (2) pages. You may attach any additional documents that you feel will help clarify the basis for your complaint.

Your summary must answer the following questions, but is not limited to these questions:

- Who was present at the time that the incident(s) occurred? This includes participants to the incident(s) as well as witnesses. Provide names and any contact information where available
- Provide a summary of the incident(s) in your own words (who did or said what?)
- What action, if any, have you taken to resolve the issue (e.g., have you told the person their behaviour is not welcome or appropriate)?
- How do the incident(s) relate to the details you selected above?
- What are the remedies or resolutions that you are seeking?

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Signature of Complainant

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Date